



The 1999 Constitution and the Local Government Administration in Nigeria: An Analysis

by

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Abstract

Local Government in Nigeria had in the past been effective in service delivery. After the 1976 reforms by which it became officially the third tier of Governance with allocation from the federal government, it was captured into the 1979 and subsequently 1999 Constitutions respectively. Since then effective service delivery disappeared in the system. The study set out to evaluate the extent to which the 1999 Constitution has led to the ineffectiveness of the local councils in Nigeria. The procedure of the study was descriptive design but triangulated by Content analysis of the various provisions on the local government in the Constitution. The analysis was done against the backdrop of Dudley Seers conception of development. The study revealed that the Constitution is indeed a hindrance to the effectiveness of the operation of the local government system. First, it prescribed a uniform system of local government in a country with different socio-cultural and religious background. It listed the 774 local councils in the first schedule, meaning, if local government must be created, the Constitution must be amended. It then made itself rigid to amend, and set difficult conditions for the creation of additional local government areas. Finally, it prescribed obsolete functions in the fourth schedule for the local government, which cannot guarantee substantial internal revenue to the local government other than the federal allocations. The study, then, recommended that the local government should be taken off the constitution completely since it falls within the purview of the States. It further requested for the review of the functions of local government to make them more relevant and effective in adding value to human lives since majority of Nigerians are within the fold of Local government governance.

Key words: Local Government, 1999 Constitution, Development, Obsolete, Service Delivery

1. Introduction

The Nigerian State is expected like any other to generate and administer development in a manner to ensure the attainment of the Aristotelian ‘good life’ by all the

citizens, which is the purpose of being in the state in the first place. Pursuant to this goal, the State get divided into regions or States and then ‘Local Government Councils’, which in Nigeria is currently 774 in number. All these levels of governmental administration are supposed to be effectively administered for effective service delivery to the citizens. However, the Local Government administration stand out as one which is often described as being grossly incapable of delivery services to the citizens at the lowest level of governance. This is critical because it is at this level of governance where the bulk of Nigerians reside. Nigerians at this level produce the majority of food which feed the minority power holders at the urban centers, produce large proportion of the nation’s wealth which sustains the nation-state. Conversely, the area receives very low budgetary expenditure of investment from what it produces. Local councils are created out of states or regions to enhance effective service delivery.

In order to situate the local government in the scheme of political development and evaluate the roles and responsibilities of the elected chairmen in rendering democratic accountability, there is need to capture its development and its purposes. The local government system is fallout of the system of the administration of the state in political development, starting from the postulations of political theorists and philosophers.

One of the first factor which led to the emergence of the state as the dominant social force in politics was the postulation of Nicollo Machiavelli who used the term ‘State’ in the book ‘The Prince’ in 1513. He described the state as the ‘organized force within a territory capable of enforcing its will within a defined territory’. Since then, everyone that cordoned off a spatial area for himself and a group of people, and exercised authority and force within the area would refer to it as a state. The exclusive authority wielded within it was described by Jean Bodin (1530-1596), as ‘Sovereignty’. Whereas Max Weber (1864-1920) identified the characteristics of a State to include; (i) Territoriality. (ii)The monopoly of the legitimate means of physical violence. (iii)It contains people within its territory who may be homogenous or heterogeneous. (iv) It has independence and its appurtenances (national flag, anthem coat of arms, etc.) (v) Recognized in international law as a separate entity with sovereignty. (vi) It has permanence except it change through a referendum (Frank, 2013 p 7).

The second factor which aided the development of Statism was the 1648 ‘Westphalia Treaty’, whereby Chancellor Otto Von Bismarck held a meeting in Berlin and established the ‘De Jure’ and the ‘De facto’ principles among the competing European countries, who had stepped out to obtain overseas possession as an indication of political power. They were already quarrelling among themselves as to who got to a territory first, hence the right of possession. He settled the brewing fights by the establishment of these principles which have been accepted as the principles of both International and Municipal law. The rule of engagement agreed to was that, if any country was the first to get to unpossessed entity in Africa or Asia or Latin America, and met no one there, the country has a ‘De facto’ right of possession. If anyone goes through the legal processes to secure ‘ownership’ by displacing the one that was there, the country has ‘De Jure’ right to the land. The third influence that aided the emergence of the state are encapsulated and explicated in the major theories of political scientists which include;

- i) The Social Contract theory canvassed and popularized by Thomas Hobbes (1585-1679), John Locke (1632-1704) and J.J. Rousseau (1712-1778). The social contract referred to the covenant entered into by men when they emerged from the state of nature, as a result of the challenges of that social environment. Men then aggregated

together out of their gregarious nature to form a community which translated into a State. They then created the 'Leviathan'-the 'Government' to administer the terms of the social contract (The Politeia or Constitution) over them.

- ii) The second thesis is the 'Patriarchal/Matriarchal theory which alleged that men were born into the nuclear family. As that social entity became inadequate to provide for them, they pushed over to the extended family for assistance, then to the village/town, local precinct, and a larger one became the state (either through the father or the mother lineage). The state was born from any of these or a combination of these theories and many other paradigms.

The Functions of the State

It was the insecurity of lives which drove men away from the State of Nature into the State in order to access the Aristotelian good-life hence this became the primary function of the state and many others as;

- i) Protection and security of lives of the citizens of the State and their property
- ii) Protect the fundamental human rights of the citizens within and without the state's territory.
- iii) Provide welfare and social services for the development and enjoyment of the citizens (schools, hospitals, roads etc.)
- iv) Promote economic development.
- v) Maintain external relations with other states (prevent attack and secure the interests of its citizens there).
- vi) Promote morality within the state through the law
- vii) Administer justice (without which there is no peace).

These are all carried out pursuant to the attainment of the Aristotelian good life which brought men into the state (Frank, 2013 p.9). In all provide the greatest good for the greatest number. In order to be able to administer the above functions effectively, States often divide themselves into regions or cantons, provinces or states, depending on the structure of governance, whether federal, unitary or quasi-federal system. The nation-state as Nigeria, to be effective in service delivery then subdivide itself into sub-states where it has 36 states and further 774 local government areas.

The Local Government

A local Government is a governing institution which has authority over a sub-national territorially defined area. It is often the lowest level of constitutional administration in a federal system. Generally created to suit the needs of the local populace as much as possible, in doing this, local government makes use of personnel, and resources therein.

- i) In most unitary governmental system, local government are often authorized by the parliament and created by the States where they exercise only parliamentary delegated legislation and any other roles that may be created and allowed by the parliament.
- ii) In the few federal states such as Nigeria, local government became the creation of the grund-norm or the constitution and draws its power therefrom. Their powers and the roles are drawn from the constitution. Local government provisions are found in the fourth Schedule of the constitution and other roles in the residual list where concurrent functions to be performed along with the States where they are located are specified.

iii) In Confederal State, the power to create, structure and roles of the local are all defined by the Confederal region/unit/precinct/ county etc. However, the local government system has passed through phases in the development.

Phases of Local Government Development

i) The Emirate System –This was the operational system in the pre-colonial time, mostly in the Northern part of Nigeria where the emirate system had well established administrative order. This was the foundation of the famous ‘Indirect Rule’ system. The colonial master gave orders to the local emirs that were subdued, and they in-turn passed the order to the populace as their own and the people complied willingly, coming from their local emirs. The Emirs and their courtiers performed administrative, political and spiritual functions to hold the emirate together.

ii) In the Western/Eastern Nigeria the local government system was known as the ‘Native Authority System’. It was built around the strong traditional rulers. It was partially functional in western Nigeria where strong rulers as the Ooni of Ife existed and dysfunctional in Eastern region who are mostly Republican in nature, without a strong traditional institution. The absence of strong traditional institution led to the colonial master creating one known as the ‘Warrant Chiefs’.

The ‘warrant chiefs’ was a strange creation and could not secure the cooperation and obedience of the larger populace. It failed to achieve the level of administrative effectiveness obtained by the emirate system.

The 1976 Local Government Reforms

The federal military government had in its inception promised to return the country to civil rule. It decided to stir development from below hence enacted a degree to commence the process through the local government system. The local government was then made the third tier of governance in Nigeria after the States.

The federal military government pursuant to its 1979 dateline for a return to civil rule reformed the local government system and made entry to it to be by elections. This was to begin to socialize Nigerians into the democratic culture.

It then created more local government to broaden the field for participation and learning democratic ethos. It expanded local government to 301 in the country.

The local government became entitled to revenue from the Consolidated Revenue Fund (CRF) of the federation, plus whatever they could generate internally.

By 1979, local government had gained a place in the constitution and subsequently in the 1999 constitution as amended.

The United Nations and Local Government

The United Nations Organization Division of Public Administration had described local government as;

...a political sub-division of a nation (or in a federal system, a state which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labor for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected...

The above conception of local government highlights the following features; (i) It is a lower level government (ii) It is set up by law. (iii) It has certain responsibilities. (iv) It

often has elected leaders. (v) It has a range of function authorized by delegation from the appropriate central or intermediate legislative and has autonomy subject to the test of reasonableness.

Local Government: Raison D'être

In this section of the study, we are concern with establishing 'why the local Government is necessary in the first place. The raisons are;

- i) The principal justification is the presumed superior capacity of local people to understand and be able to conduct their local affairs better than anyone else. They are conversant with the norms and values of the locality, and the 'dos and don'ts that prevailed. Each locality has special peculiarity in economic, social physical and political characteristics known only by the indigene. This made it imperative that they should be involved in the management of their affairs.
- ii) It is a truism that people resist imposition from above. Conversely, the very people tend to be sympathetic and committed to whatever they have participated to jointly decide or what they have inputs in bringing about to be (when their son is the chairman and they participated in elections that bring the council to be, then they would willingly bear the inconveniences of taxation).
- iii) Local Government is fundamentally in the words of John Belmont (1966) a hedge against undue centralization which might become dangerous to liberty or bring the state under the focus of all excessive amount of power in the state. Everyone loves to know and be closer to the locus of power and authority because of the expediencies it confer. A centralized state will make this locus too far from the people. In a country such as Nigeria where both nation and State –building (unity and the presence of the central government is poor, it may lead to unpalatable consequences).
- iv) Communication Channel-Local government is an effective mechanism for aggregating political pressures and local interests which may not be in alignment with that of the central government. In so doing, the central channel of communication is freed of those that would have gone to the central government because every political issue is local (in this wise local government must have their own plan against insecurity, kidnapping, farmers-Herders crises etc. even if it is the native system of conflict management and resolution). This is because they are the chief security officer of their local government area.
- v) Political Education-Local government politics serves as a school to teach nascent politicians the art and science of politics, while it administration and legislative council become the teaching platform for cutting the teeth for higher political callings. Acting as a politician at this level becomes the act of socializing the actors into state, regional and national political life. This it does by creating opportunities for local political and social activities and participation. People contest, other go out to vote thereby learning their political roles at that local levels.
- vi) Efficiency-Service school-The local government is better placed to effectively and efficiently deliver services on behalf of the state and the central government in the localities. Local governments exist to provide services which add-value to the lives of the people. The question is, since your inauguration and going forward, what service(s) have you added to the people so far (*facilitators are to pause at this point*

and obtain responses from the participants. This should be done either through open discourse or the use of pieces of papers in secret).

The tenure of any person at the local government must be judge by its successes in providing the service. Secondly by virtue of its closeness to the people, they can provide certain services far more effectively than the central government.

Local government is the workshop for political apprenticeship, where vital political education is obtained and decongests government at the center as well as serves as a better agent for both the State and central government in service delivery, all things being equal.

2. Objectives of the Study

The objective of the study was to indicate that the perennial ineffectiveness of the 774 local councils in Nigeria to deliver effective services with added value to Nigerians is structurally located in the provisions of the 1999 Constitution as amended.

The subsidiary purpose included to bring to the fore that functions assigned to the Local Council Areas are obsolete and are unable to generate substantial internal revenue to finance any service delivery.

The study further sought to show that the prescription of a uniform system of local government in a country with different socio-cultural and religious background is yet a hindrance to the effectiveness of local government administration in Nigeria.

Finally, it was also one of the purposes of the study to demonstration that listing the local government in the country in the first schedule of the constitution effectively stops States from creating local government which is under their jurisdiction, unless the constitution is amended.

It was also an additional target of this investigation to request for constitutional amendment which would expunge everything about local council area out of the constitution. Local council's administration is the business of the State and should be in the residual list of the constitution if any.

3. Materials and Methods

It was basically conducted through descriptive approach in which case the design was meant to obtain data concerning the current status of local councils. It was meant to determine the nature of the current situation of local councils in Nigeria by describing what exits with respect to the variables or conditions which accounted for the current situation (Ndiyo, 2005 p.70). The design sought information to assist decision-making towards making Local Councils sources of more effective service delivery, because the bulk of the population reside therein.

The descriptive approach revealed that the variables accounting for the ineffective local council was structurally embedded in the constitutional provisions in the 1999 Constitution as amended.

The descriptive design was triangulated with 'content analysis' (study of documents and communications, to examine patterns use to describe and interpret the characteristics of messages. It assisted in making inferences as to the intent of the content of the provisions) of the various Constitutional provisions regarding local councils in Nigeria. The issue of local council's inability to deliver effective services to Nigerians in the local areas is legendary, consequent upon which a lot of data exist. These secondary data and those sourced from content analysis technique were triangulated to make the data concrete in the final analysis. The two secondary sources of data were critical, the 1999

Constitution's provision for local councils and the various literature that abound on the subject matter provided enormous facts for evaluation.

The procedure in the application of the method of study, consisted of evaluating every Constitutional provisions relating to local council, interpreting same, and identifying the intention of the Constitution as well as evaluating the practicability of the provisions. We then appraise the capacity of the provisions to add value to the lives of Nigerians within its context.

Framework of Analysis

The end result of every act of governance is an improvement in the lives of the citizens describe as 'Pareto Optimality'. This is what is expected at the local areas where local councils perform the role. This has not been the case in all the 774 local council areas in Nigeria. We elected to adopt Dudley Seers conception of 'Development' as the framework of analysis in this discourse because it was considered appropriate. He averred that development takes place when a country experiences a reduction or elimination of poverty, inequality and unemployment. He later added 'self-reliance' as an element of development. He replaced the 'growth paradigm of development with 'social development' and upheld that it is only this form which would generate family income, which would in turn provide (i) food, shelter, clothing and footwear. (ii) Jobs for family-heads making distribution of income and the reduction inequality feasible. (iii) Access to education which would raise the literacy level. (iv) Self-reliance, the degree to which resources are use within the economy possible.

The value addition to resources found in the local councils, rather than evacuate them in their crude forms would require some investments, which would generate the elements canvassed in Seers conception of development to the people in the locality. Employment would be generated through investments; this would be incremental dissolution of poverty, with values addition. In one breadth, poverty and unemployment which assumed a principal place in Dudley Seers idea of development would be under attack.

4. The 1999 Constitution and Local Government: Analysis

In this section of the study, we want to evaluate the provisions of the constitution in respect of the Local government in the fourth schedule and in the subsidiary sections.

- i) Chapter I Part I, General Provisions in section 6 provides inter-alia that there shall be 774 local government areas in Nigeria as shown in Part 1 (I & II of the first schedule. The implications of this are that to create a new local government, the constitution must be amended. Scholars however, advise smart states may divide each local government areas into Local Development Councils/Areas and split the resources accruing among the LDCAs for faster development interventions. It would be in the interest of all that local government should not draw its power from the constitution but have delegated authority from the parliament.
- ii) Part II (7) provides for a democratically elected local government councils and enjoined 'every state' subject to section 8 to ensure this nature of the local government. The straight forward implication of this is that local government is within the State's political authority. The states can only allow the local government 'autonomy' to the extent of reasonableness determine by it.

- iii) Section 6 provided that when a state creates a local government area (which is not feasible by the provision of section 7 (3b) calling for referendum), it should consider the factors spelt out therein.
- iv) Section 7 (2) (a-b) described elements to be considered when defining an area for local government creation.
- (v) Section 8(3 a-d) provide for steps for the creation of the local government area. It is rigid and almost impracticable (referendum).
- vi) Section 162(6) Each state shall maintain a special account to be called ‘ State Joint Local Government Account’ ... into which shall be paid all allocations to the Local Government Councils of the state from the federation account and from the Government of the state. The narrative is that the accounts have two (2) streams of revenue, federal and the state. The local government council shall have a share in the state own generated revenue. But nobody is bold enough to ask for it.
- vii) Section 162(7) each state shall pay to the local government council such proportion of its total revenue on such terms and in such manner as may be prescribed by the *National Assembly*. This is obviously an **error** which renders this section inoperative because the National Assembly cannot determine the sharing of State’s revenue when the House of Assembly is the rightful authority in the State.
- viii) Section 162(8) the amount standing to the credit of the Local Government Council of a state shall be distributed on terms as prescribed by the House of Assembly. No one has introduced a bill to establish how the revenue of the state shall be shared between the state and the local government council. Take notice that this is not the amount from the federation, but that which the State has generated from its Internally Generated Revenue (IGR) sources. The Local Government Council is part of the state and therefore entitled to it. In some cases the bulk of the resources are generated from a local council. No MP has introduced a bill to activate this provision for obvious reason of the fact that the Governor has control of the assembly.

5. The Fourth Schedule and Functions

- a) The consideration and making of recommendations to a state Commission on Economic planning or any similar body. The activation of this role involve, the chairman/women understanding the resource endowment of the local council in all the wards/units and writing a proposal to the State Economic Planning Commission, alerting them of the presence of the solid or liquid mineral in the local council so as to enable the state include it in its development planning strategy (Facilitator to request from participants their views on this –who has activated this provision).
 - i) The activation of (a) above was expected to aid the economic development the state particularly in so far as the areas of authority of the council and of the state are concern. Where the state was not aware, this raises economic profile and that of the local government council.
- b) Collection of rates, radio and television licenses-this is one source of revenue which is too abstract and unreal. What is the quotient of local news content about the people of the local council? Why should they be taxed for listening to radio and television? How is the administrative body to collect these levies going to be

efficient to ensure the cost is not greater than the revenue? This would mean it is not viable

- c) Establishment and maintenance of cemeteries, burial grounds and homes for the destitute. These are functions which require huge expenditure rather than generate funds. Nigerians (Akwa Ibom/CRS/Rivers) extraction still belief largely in keeping the departed ones within the family, hence burial within the family land. Who would pay for the infirm and destitute to be housed by the local council? This is a social welfare role that belongs to the State and federal government not local government. The financial outlay required to perform these roles are scarce but allocatable.
- d) Licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts. Taxing these sources would amount to enforcing poverty and administering same on the people. Those who operate these instruments are the poor of the poor. Already they are benefitting nothing from either the state or local government council, yet you proceed to tax their sources of livelihood after they would have perhaps paid Personal Income Tax. The local council that would attempt to enforce this, should recall how such tax enforcement in Algeria ignited the 'Arab Spring' when Mohammed Bouzizi's wheel cart was taxed and seized for none payment of the imposed tax.
- e) Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences. These roles are to enhance public health and would generate little or no revenue to the local councils. When slaughter houses are built they would have slaughter slabs, therefore providing for it as a source of revenue is a misnomer. One would have expected that the role should include ensuring that all animals slaughtered must passed through the inspection of a veterinary doctor. Revenue can only come from markets, which are properly maintained because it would amount to crass exploitation to obtain revenue from ill-maintained markets. Providing public conveniences is a matter of decency and never a source of substantial revenue.
- f) Construction and maintenance of roads, streets, street lighting, drains and other public highways, parks, gardens, open spaces or such public facilities as prescribed by the House of Assembly. It is important to clarify this provision. In Nigeria there is 'Trunk 'A' roads owned and maintained by the federal government. Federal roads are those which connect States, this facilitates the movement of persons from one State to other (inter-state). State roads connect the local government council's areas. Local council roads or 'TRUNK 'c' is local feeders roads constructed and maintained by the Works Department of local government councils. These classes of roads are usually untarred and seasonal. These clarifications became necessary because as provided by the constitution it is very misleading. It appears local councils are expected to construct highways. This is not the intention of the section. This is therefore a constitutional error. However, all other specifications therein are within the purview of the local councils to perform as they require minimal fiscal outlay?
- g) Naming of roads/streets and numbering of houses. This is expected in new developing settlement areas because these roles would have been carried out by previous administrators of the local councils. Also, no one should expect that these are sources of veritable revenue.

- h) Maintenance of public conveniences, sewage and refuse disposal is an authentic role of the local council in order not only to keep the town clean but ensure public health. Minimal revenue is expected. i) Registration of birth, deaths and marriages where there are hospitals, birth registration is possible however, many Africans women still patronize Traditional Birth Attendant (TBA) which is a challenge to this role and the revenue anticipated. Many marriages are traditional ones; even the western ones are hardly registered. Revenue expectation is low.
- i) Assessment of privately owned houses or tenement for the purpose of levying such rates as may be prescribed by the House of Assembly. This is the most credible source of revenue to the urban local councils but its realization is a challenge because of the leadership recruitment processes. No council chairman would have the effrontery to activate this role for obvious reason just mentioned.
- k) Control and regulation of (i) outdoor advertising and hawking. This is a good source of revenue but the mechanism for its actualization must be carefully thought out. (ii) Movement and keeping of pets require bye-law to effect this and an implementation bureau to arrest animals/pets roaming the streets.
- l) Shops and kiosk should be registered for on/off license operations (iv) This involve ensuring a sanitary condition for the operation of restaurants, bakeries and places of sale of foods to avoid epidemic and safeguard public health (v) Laundries and sale of liquor is a big challenge to regulate. Liquor could be regulated through off/on license operations mechanism, to control younger person's access to alcohol and other illicit drinks.
- 2a) Maintenance of primary school, adult and vocational education. This involves the payment of the teachers. The local council must plan on how to get this function discharge effectively.
- 2b) Agriculture and natural resources must be developed for food sufficiency and for feeding the city dwellers
- 2c) Local council must set up dispensaries which provide first aid services and refer serious cases to State hospitals.

The chairmen have onerous roles expected to add-value to the people in the locality.

This is the spirit of the constitution however with limited sources of funds.

6. Accountability

In the context of this manual, Democratic Accountability refers to the outputs and outcomes or the impacts (Pareto optimality) of the actions and inactions which the executive chairman/chairpersons generate out of the constitutional functions assigned to them during their tenure in office.

Democratic accountability is a categorical imperative because, when a young child is sent on an errand, he/she report back or bring the result. It is also necessary because 'citizens-State trust' is in deficit. 'Citizens-local Council-trust' is almost none existent. The civil society knows that the end result of governance is impact/outcomes which 'add-value' (Pareto optimality) to the lives of the citizenry. What value are they going to add to the lives of their constituents?

i) Democratic Accountability Equation

$$\text{Accountability} = L + O_2 + I = P + Op = P + Op$$

Legend

Where 'L' = Leadership

Where 'O1' = Outputs

Where 'O2' = Outcomes

Where 'I' = Impacts

Where P+Op = Pareto Optimality

Where 'P + Op = Pareto Optimality is the great or marginal improvement in the living conditions of the citizens beyond the baseline situation before the Chairman assumed office.

We herein state that there is leadership deficit in the local councils, made more challenging by the constitutional structure of the councils.

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7. **Raison D'etre**

Simply stated, the State and its agents (council chairmen/persons) must be accountable because;

- i) The state and its officials are the agent of the citizens.
- ii) The citizens pay taxes for the supply of public facilities necessary to obtain the Aristotelian good life. Accountability is therefore, 'show me the money'. It is equivalent to 'Return on Investment' (ROI).
- iii) The essence of the state as Aristotle and Plato had asserted many years ago, is to ensure the 'good life' for the citizens- the outcomes of obedience to laws, payment of taxes and participating in elections is to obtain 'development' as the final outcome or impact of governance. These must be shown, and these should be the outcome of investing on governance a la accountability.
- iv) *Accountability requires both a state that is strong, unified, and able to enforce laws on its own territory, and a society that is strong and cohesive and able to impose accountability on the state. It is the balance between a strong state and a strong society that makes democracy work* (Fukuyama 2012 p 480, 481). This is the balance required to drive the processes of accountability.

Political accountability provides a peaceful path towards institutional adaptation the system that produces. The system that produces accountability depends on constant Supply of good leaders-otherwise to check and demand accountability would rest on civil society activism (wherever you find civil society always demanding accountability, the system is deficient in the supply of good leaders).

It keeps the MPs/Chairmen/counselors informed to be of good conduct in the parliament knowing that they would account for their stewardship. Conversely, it keeps the society alert and cooperative to be ready to demand for accountability from their agents. It would be recalled that they were elected by the larger citizenry of the local council area. This act of election or aggregating the preferences of the citizens for one person to administer the terms of the 'social contract' for a duration, make them 'servants-leader' of the people. They have been sent on an errand or given assignment; consequently, they are under democratic obligations to report back to those who sent them showing the result of their stewardship for the duration of their stay in office.

Accountable government means that the rulers believe that they are responsible to the people they govern and put the people's interests above their own...Formal accountability is procedural; the government agrees to submit itself to certain mechanism that limit its power to do as it pleases (Fukuyama 2012 p. 323). Technically, there are layers of accountability because in democratic societies the power of those occupying leadership positions are limited by written laws (Constitution), they ought to regularly account to the

parliament, assemblies and other bodies representing a leader proportional to the population (Fukuyama 2012 p.15).

8. Leadership in Local Councils

In playing the devil's advocate, this consultant averred that the greatest challenge facing local councils is the absence of leadership. Though the functions of local councils as outlined in the fourth schedule of the 1999 Constitution as amended are obsolete, they would never be able to generate income to sustain the local council for one month. They are due for review. However, on the hypothesis on leadership, we proceed thus;

- i) A leader must have a vision in which he is able to see something no one else is able to see about the local council. He must be able to say that when he harnesses the human and material resources of the local council. He would be able to take the council and its people to the next level. He must design the strategies and identify the challenges to be confronted on the way to the next level and socialized the people not only into the vision but also to prepare to weather the condition to get to the next level.
- ii) A leader should socialize the rest to accept his vision and take blame for wrong decisions, and credit success to his team.
- iii) He must lead from the front and engage in dialogue and try to gain knowledge from their acquaintances, because no one knows where the next bright ideas may come from.
- iv) A true leader must therefore trust his team.
- v) A leader must have mental and physical qualifications to enable him carry out his duties.
- vi) A true leader must reject sycophancy.

A leader vision is not an economical and developmental one; it is also a social and moral one... people should speak their minds, without fear or hesitation. How can a leader learn from his mistakes? If people keep telling him he was right all the time, while deep in their hearts they have another opinion (Maktoum, 2015 P.63). Nigerians should have the capacity to absorb criticisms.

Where the citizens have improved positively in their standard of living as a result of interventions from the leaders, they had achieved 'Pareto Optimality' indeed developed the citizens. However, where the citizens are confronted with greater poverty, greater unemployment, and greater inequality and less self-reliance caused by actions and inactions of the person in office, it would be difficult to assign the appellation of a leader to such a person. Beyond election, history would be unkind to such a chairman/person.

Conclusion

The 1999 Constitution provided for uniform pattern of local government in Nigeria, whereas the extreme North would have been better-off with modernized Emirate system, the Middle belt with another, the West and the East a different pattern. Local Government in all political climes is the business of the regional or State governments, to structure it to the best of its social-cultural norms. This would have made local government administration more relevant than the states governments because they are closer to the citizenry than the States and Federal Government. We have by this illustrated how the 1999 constitution is but a hindrance.

Listing the local councils in the first schedule means that any State desirous of creating local councils must go through the inflexible processes provided for herein. The processes of constitutional amendment in Nigeria are clumsy, when will the local government be freed to deliver services to the people surrounding it? The framers of the constitution did not intend that the third tier of governance should be effective in service delivery; hence the 774 local government areas are in name. It would be recalled that the traditional administrative systems in Nigeria were so effective in service delivery that the colonial authority adopted them. This is halting the growth of public administration for effective serviced delivery. Above all, the functions allotted to Local Councils are obsolete; the citizens are already under severe economic pressure, requesting the local government to further extract fiscal resources from them would mean further impoverishing people at the rural areas who are already poor. Therefore, the ineffectiveness of local council is directly proportional to the inflexibility of the constitutional provisions.

References

- Belmont, J. E. (1966). *An Ancient Partnership: Local Government Magna Carta and National Interests*. Charlottesville: USA
- Fukuyama, F. (2012). *The Origins of Political Order-From Prehuman Times to the French Revolution*. London: Profile Books Ltd.
- Maktoum, M. R. B (2015). *My Vision-Challenges in the Race for Excellence*. UAE: Dubai Media office
- Ndiyo, N.A. (2005). *Fundamentals of Research in Behavioral Sciences and Humanities*. Calabar: Wusen Publishers
- Ola, R. O. F (1988) Some Thoughts on the Role of Local Government in Developing Countries (Nigeria), in *Local Government in West Africa since Independence* (Ed) L. Adamolekun, D. Olowu, M.Laleye Lagos: Unilag Press.
- The 1999 Constitution of the FRN (Amended)