The Palpable Failure of the Local Government System in Nigeria: Quo Vadis

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Abstract

Local government is government at local level exercised through representative council established by law to exercise specific powers within defined areas. Unfortunately however, local governments have not been able to live up to their expectation due to, albeit paradoxically, the provisions of the same constitution that created them. The performance of the local governments in Nigeria has been abysmal and instead of being the most critical level of government at the grassroots, they are now the most vulnerable. This paper examined the idea of local government system, traced historical development of the system and also assessed the performance of the local government system in Nigeria. The study strategy was to visit some local governments, conduct focus group discussion (FGD) and employ robust in-dept analysis of both primary and secondary data. Based on the findings, we argued that the remnants of the local governments can best be described as local administration. However, if the bones are to rise again, a major reform is overdue and the awesome powers of the state governors over the local governments must be checked via the Constitution.

Keywords: Local government, national development, Constitution, programmes, local administration, powers

1. Introduction

Local government is a form of public administration which, in a majority of contexts, exist as the lowest tier of administration within a given state. It is an administrative body for a small geographical area, such as a city, town, county, or state. A local government will typically only have control over their specific geographical region, and cannot pass or enforce laws that will affect a wider area. In other words, local governments generally act within powers delegated to them by legislation or directives of the higher level of government. In federal states, local government generally comprises the third tier of government. It constitutes the most critical level of government at which the momentum to sustain national development can be created. To some countries in the third world, it is the only semblance of authority known beyond the tradition (Bello, 2007).

The 1976 local government reform defined local government as government at local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to complement the activities of the State and federal governments in their areas, and to ensure, through devolution of these functions to these councils and through the active participation of the people and their traditional institutions, that local initiative and response to local needs and conditions are maximized.

Local government therefore, brings government nearer to the people at the grassroots level with a view to bridge the unnecessary gap normally created by a centralized system of administration and allows them to participate in government affairs. Perhaps, it will not
be out of place to mention that local government is established primarily to provide some essential services (such as good roads, dispensaries, clinics, primary schools) at the local level.

Local governments have been existing in one form or the other in Nigeria since the colonial days. There have also been local government reforms of different colours since the 1950s aimed at improving the profile and effectiveness of the system as will be discerned from this paper.

The objectives of this paper are to examine the concept and idea of local government; trace a brief historical development of local government system in Nigeria; examine the local government system and its current status; critically assess the performance of local governments and chart the way forward for local governments in Nigeria. In addition to visiting some local governments and conducting interviews with the principal officers and focus group discussion (FGD), we shall undertake an in-depth analysis of the existing materials on the subject matters.

2. Overview and Historical Development of Local Government System in Nigeria

The history of local government system in Nigeria dates back to the colonial days. Although contact with Europeans dates back to the fifteenth century, it was not until 1861 before the first steps were taken to establish an administration by Britain. The colonial administration that was established was based on indirect rule. This requires that the administration should be carried out through traditional rulers and institutions. This led to the establishment of native authorities in their most rudimentary forms from the 1890s to the 1930s. The main function of the native authorities was to maintain law and order (Igbuzor, 2009).

The first native authority ordinance recognized traditional rulers as native authorities. This was easily carried out in Northern Nigeria but there was a problem in identifying who those authorities were in Southern Nigeria. This informed the first reforms in the 1930s and the 1940s culminating in the establishment of chiefs-in-council and chiefs-and-council in place of sole native authorities. The Chief-in-Council is made up of the chief and members of council. The Chief presides at all meetings and acts in accordance with the majority of opinion in the council. But if he disagrees with the council, he would take whatever action he thought best and inform the Governor of the region. Contrarily, in the Chief-and-Council, the chief has no power to act against the decision or advice of the council. Under this arrangement, people particularly representatives of missionaries and British trading interest were appointed into the native authorities. The process of appointment of nominated members by the colonial government meant that nationalists were not appointed to serve on the councils. This led to further agitation for reforms in the native authorities (Igbuzor, 2009).

In the years 1950-55, the first largely elected local government council based on the British Whitehall model emerged in Lagos and the former Eastern and Western regions. Traditional rulers constituted not more than 25 percent of most councils in the then Western region and Lagos. However, in Northern Nigeria, the changes were more gradual (Oviasuyi, Idada and Isiraojie, 2010). The legal framework for local government at this period was provided by the Eastern region local government ordinance of 1950, the Western region local government law of 1952 and the 1954 Native Authority law in Northern Nigeria. By this time, the councils were given a wider range of functions including primary education, health, police, judiciary e.t.c. This is in line with the implementation of the colonial government’s ten-year welfare and development plan (1946-1956). The councils also enjoyed a great measure of autonomy in financial, personnel and general administrative matters. It can therefore be said that the 1950s was the era of pupillage for councils in modern local government throughout Nigeria (Igbuzor, 2009).

Between 1960-1966, there was a decline in the prestige and responsibilities of local authorities. In the former Western region, the local government (Amendment) law 1960 abolished the powers of councils to levy education and general rates on the basis of need. In Lagos, there was a high rate of default in the payment of property rates including government institutions, which reduced the revenue of the local councils. The situation in Eastern Nigeria was similar to the West before the outbreak of the civil war in 1967. In Northern Nigeria, there were gradual changes in the structure of the councils with increasing numbers of elected or appointed non-traditional office holders becoming members of local authorities. The result was that the local authorities had a stable administration, which enabled them to assume responsibility, with some degree of success for more complex services like primary education.
In 1976, the Federal Government in collaboration with the state governments embarked on extensive reforms of local government. For the first time in the history of local government in Nigeria, a uniform system was developed for the whole country. According to the then Chief of staff Brigadier Shehu M. Yar Adu’a in his forward to the Guidelines for Local Government Reform (1976):

In embarking on these reforms, the Federal Military Government was essentially motivated by the necessity to stabilize and rationalize Government at the local level. This must of necessity entail the decentralization of some significant functions of state governments to local levels in order to harness local resources for rapid development (Ola, 1984).

Unlike previous reform measures, which were highly restricted in scope and range, the 1976 reforms conceptualized local government as the third tier of government operating within a common institutional framework with defined functions and responsibilities. As the third tier of government, the local government gets statutory grants from Federal and state governments, and is expected to serve as agent of development especially in rural areas. According to the 1976 reform, 75 percent of members of the council are to be elected through the secret ballot on a non-party basis under the direct and indirect systems of election. The remaining 25 percent are to be nominated by the State government. Following the reform, the Federal Government in 1977, allocated 5 percent of federally collected revenue to local government. The intentions of the 1976 reform were debated by the Constitution drafting Committee and the Constituent Assembly in 1978. The result was that the 1979 constitution reaffirmed the development function as provide for in section 7, subsection 3 (Adamolekun, 1983).

In section seven of the 1979 Constitution, provided for a democratically elected local government councils for the country. Unfortunately, during the Alhaji Shehu Shagari regime (1979-1983), the constitutional provisions were neglected. No elections were held and sole administrators were appointed. The Mohammedu Buhari regime (1983-1984) continued with the system of sole administrators (Adamolekun, 1983). During Babangida regime (1984-1992) there were certain reforms aimed at ensuring local government autonomy. These included the abolition of the Ministry of Local Government; establishment of executive and legislative arms in local councils; and direct allocation to local government without passing through State government. The regime also increased local government statutory allocation from 15 percent to 20 percent with effect from 1992 (Adamolekun, 1983). It can easily be discerned from the above that government’s unfaithfulness to the Constitution with respect to local governments began early.

### 3. Reasons for the Establishment of Local Governments

A lot of reasons have been given for the evolution and creation of local governments in Nigeria. These range from political, social and economic reasons. Over the years, there has not been a general consensus as to the precise role local government should play, this singular factor makes the problem regarding the objectives of local governments most important. The following are seen as the purpose for the creation of local governments in Nigeria.

i. To Bring Governance Closer to the People: Local government functions to bring democracy to the local citizens as well as to educate and socialize them politically. Due to the vast nature of the country, government presence was not felt by the people, and this led to neglect and distrust of government by the people. In a bid to bring the activities of government closer to the people, local governments were created to serve as conduits through which government’s policies are communicated to the people (Agbakoba and Ogbonna 2004).

ii. For Administrative Convenience: Local government serves as a channel through which policies and programmes from the state and federal government are communicated and implemented. This is because there are many functions that will be cumbersome for the state and federal governments to perform because of the distance separating them and the people (e.g., Collection of rates, radio and television licenses; Registration of births, deaths and marriages registry etc.). The local government was also created to serve as the representative of both the federal and state governments amongst the local people (Agbakoba and Ogbonna, 2004).

iii. To Ensure that Resources are Effectively Mobilized: This is to arouse in the citizens the zeal or willingness to contribute financially, materially and morally to the management of local affairs. Local governments are created to bring about meaningful development in the rural areas through the effective
mobilization of resources. Local government use the funds made available to it by both federal and state governments and their internally generated revenue to improve on the lives of the people within their areas of operations (Aghayere, 1997).

iv. To Preserve Heritage and Common Interest of the People: Nigeria has over 364 ethnic groups, which are further divided into communities. These communities form the constituents/areas of local governments in Nigeria. By carving out local governments from amongst people of the same community, government is preserving such long traditional associations and using same to foster the interest of the people concerned (Oviasuyi, Idada and Isiraojie, 2010)

In addition, the broad objective of establishing local government is placed on the service delivery function. It follows, therefore, that local government administration is established to affect citizens through the service delivery function (Aghayere, 1997).

4. Local Government System in Nigeria

The current platform for local government practice in Nigeria came into existence in 1976. It created a uniform structure of an elected council with specific functions and financial base which drew directly from the federation account. The new platform represented a departure from the myriad of practices, often with regional flavours, which had evolved under colonial rule from the native authority system. Colonial rule anchored the local government system on the evolving colonial administrative structure of Northern, Eastern and Western Group of Provinces.

Although, Lugard had tried to implement native authorities that were anchored on strong, highly centralized ruler ships, the varying degree of resistance which this encountered in the southern part of the country, particularly the Eastern region in particular led to some modifications which took local peculiarities into consideration. Thus, the Southern parts of the country were allowed, for example beginning by the 1920s, to gradually integrate educated elements into the system (Anyanwu, 1996:130). In fact, at this time “it was the local government system which was used to make each group feel that despite colonial rule as well as the evolving colonial state of Nigeria, their respective aspirations and values were to be preserved” (Anyanwu, 1996: 133). The trend towards federalism reinforced this. As each of the regions gained self-rule within the evolving federal framework, local government fell under residual matters, the exclusive preserves of the regions or states. This allowed for varying structures and practices across the regions. The state creation exercise in 1967 that saw four regions metamorphose into twelve states exacerbated this trend. (Oyediran: 2001: 195).

The 1976 Reforms changed all that. A uniform local government system was put in place. Specific functions were allocated to the local government. This did not only widen the functional scope of the local government, there was also attempt at a “decentralization that ensures that appropriate divisions of functions exist between the State and Local Governments and the local authorities thereby play a significant role in the development process” (Oyediran, 2001: 197). In effect, while the supervisory role of the state was retained, there was some attempt and a clear delineation of space that was meant to enlarge the functional autonomy of the authority. It was to reinforce this autonomy while ensuring the viability of the local governments in the light of increased responsibilities that the third tier of government became a recipient of direct funding from the federation account. Although the allocation from the federation account was channelled through the state governments, local government became a statutorily established part of the national fiscal regime, with a definite percentage of funds in the current revenue allocation formula. Perhaps the core aspect of the reforms was the democratization of the local government system. The local council, made up of a chairman and councillors was to be elected for a definite term. Within the framework of democracy, the new local government system would “ensure that participation and involvement begin at the grassroots level... they should articulate the demands of the masses and when these are satisfied within the limits of available resources, they should provide authorities with the necessary feedback” (Oyediran, 2001: 197). Other innovative areas of the reforms include the professionalization of the local administration.

The 1979 Constitution basically adopted and incorporated these reforms. However, in practice it was clear that many of the provisions of the reforms were being breached. Commencing from 1988, the federal government removed the state government from its intermediary role in the transmission of funds from the Federation Account to the local governments. This was also enshrined in the 1989 Constitution. The Ministry
of Local Government at the state level was also abolished and in its place, states were to establish Departments of Local Government in the Governor’s office to “assist’ advice and guide, but not control local governments in the performance of their constitutional functions” (Oyediran, 2001: 203). The fact is that the 1976 reforms attempted to democratize the local as a tier of government, increase its autonomy in terms of functions and financial base. But as suggested above, these innovations did not go uncontested by state governments which saw these innovations as being at their expense.

5. Basic Functions of Local Governments System in Nigeria

Uniformity of function and responsibilities for all the local governments throughout the federation was instituted in principle. These functions and responsibilities were later enshrined in the 1979 and 1999 Constitutions of the Federal Republic of Nigeria.

The first category of functions is made up of functions that are compulsory for which local governments have full responsibility, the second category is made up of functions which local government shares with higher levels of government, and the third category of functions are those functions that the state or federal government can, from time to time, assign to local authority.

As derived from the Fourth Schedule of the 1999 Constitutions of the Federal Republic of Nigeria (as amended), the basic functions, which all local governments in Nigeria are established to perform, revolve around the following:

(a) Functions in which success depends on communities’ responsiveness and participation;
(b) Functions which require detailed local knowledge for efficient performance;
(c) Functions which are of a personal nature requiring provision close to where the individuals affected live; and
(d) Functions in which significant use of discretion or understanding of individuals are needed.

Some of the other functions of Local Government system are as follows:

a) The local government is authorized to consider and submit to a state commission or any other body on economic and social development as it affects the locality;

b) The economic functions of local government enable the authority to raise money through investments, taxes and other forms of levies;

c) The social and welfare functions of local government direct the authority towards the provision of such services as education, health, roads, and recreation grounds, etc;

d) Local government administration also carries out informative functions such as enlightenment, development projects, administration, democratic and leadership initiative and maintenance of peace, law and order in the locality (Awotokun 2005).

6. Contributions of Local Governments to Development in Nigeria

Despite the various factors militating against local government administration’s performance, it is gratifying to state that local government administration in Nigeria has brought some degree of development and transformation to both the urban and rural areas in the country.

Specifically, local government administration has performed fairly well in the following areas:

i. In the urban areas, conditions of living would have been very unbearable if the local governments do not help to dispose the refuse from the markets. Local governments are constantly on their toes in the aspect of refuse disposal from the markets and other strategic locations in the cities, though much effort needs to be exerted.

ii. Despite their inadequate finances, local governments have been very useful in opening up the rural areas through the provision of both earth and tarred roads, and this has facilitated rural transformation in Nigeria to a fair extent.

iii. Provision of electricity, water, market stalls, health centres just to mention a few, in both the urban and rural areas have been positive in most local government council areas in Nigeria via the continued efforts of local authorities and state governments.

iv. Enhancement of Grassroots Democracy: Local government has for very long time provided a training ground for democratic governance. As a matter of fact, many political leaders at the state and national level were groomed at the local government
level. The local government serve as breeding ground or politicians across the country.

7. Factors Militating Against Local Governments' Performance in Nigeria

While Local Government is said to be the best institution that can facilitate the efficient and effective service delivery at the grassroots level, the fact remains that they are saddled with some challenges, being bedevilled by institutional and moral deficits, as follows:

• The third-tier of government lacks the financial and human capacity to deliver on the statutory and shared responsibilities between it and the other tiers of government;
• Local governments make minimal input into the decisions on resource allocations at both the federal and state levels;
• As in all levels and institutions of government in Nigeria, corruption is predominantly wide spread and undiluted in the local government. It is a statement of fact that in the local government system, corruption has become all pervading, unabashed, uncontrolled and persistent. This perhaps explains the inefficiency and ineffectiveness in local government administration in Nigeria. The system has virtually become superfluous and redundant. Some of the areas where corruption thrives in local government include inflation of prices of bought items, over-estimation of cost of projects, ghost workers syndrome, award of contracts and subsequent abandonment and outright payment of huge sums of money to political godfathers, etc. (Aghayere 1997)
• The recruitment of persons who do not possess the requisite leadership and managerial skills to deliver the gains of governance to the people is also a problem. The system have been overstuffed with individual who have no business being in the system.
• Overbearing and suffocating influence of the States and States Houses of Assembly on Local Government Administration in Nigeria is also a problem. Local governments are supervised by the Government House, Ministry of local Government matters, local Government Service Commission etc. Some conflicting directives may ensue in the process.
• Lack of continuity by succeeding governments is also problematic. This has become a major problem plaguing local government administration in Nigeria, as succeeding governments fail to continue with the programmes and projects that are left behind by past administration. This was observable in nearly (86%) all the local governments we visited.

8. Local Government or Local Administration in Nigeria

Local Government as local administration in Nigerian has to do with the ways state governments through the over-bearing stance of state governors make Local Government in Nigeria useless. That is the manipulations of state governors to make local government look irrelevant as a tier of government in the federal structure of Nigeria.

Apart from problems associated with accountability at the local government which has been identified to be because of the state governors (Uja, 2010; Okoduwa, 2008; Oguonu, 2000), the issue of turning local government to local administrations in Nigeria revolve greatly on the greed of state governors who have become habited and addicted to illegal appropriation of local government allocations; through the Nigerian governors’ Forum (NGF) established since 1999. This was why Orji rightly noted that “collectively, the governors have kept the Local Government system under subjugation, resisting moves to grant the councils autonomy in the ongoing constitutional amendment”. For Senator Juhril Aminu in Orji (2013: 2), NGF has always ensured that state governors had their way in everything including nominating who becomes an Ambassador or Members of National Assembly. Instances abound to buttress the celebrations of illegalities by NGF on Local government affairs. Meanwhile, almost all the state governors between 1999 and 2015 are under investigations by the Economic and Financial Crimes Commission (EFCC) for various shades of corruption and illegalities. Khaleel (2012: 2) demonstrated that such illegalities by the state governors manifested in the following:

Imposition of undemocratic structure (Caretaker Committees) to run the affairs of the local government contrary to Section 7 of the 1999 Constitution; illegal and fraudulent deductions from Local Government funds through joint State Local Government Account; over deductions of primary schools teachers’ salaries and shifting of responsibilities of running primary education out rightly to Local Government; complete takeover of statutory functions of Local government and handing over to consultants and cronies; using the Local Government Allocations to execute state government projects eg. Ekiti, Osun; Oyo; Plateau;
non-payment of Pension funds; and non-utilization of statutorily deducted training fund.

As a matter fact, 18 states as at the time of our survey in May, 2016 including Enugu State still operate Caretaker Committee system in Nigeria Local Government contrary to Section 7 of the Constitution of the Federal Republic of Nigeria (as amended). Even at that, out of the existing 774 local governments in Nigeria, 459 local governments are owing their staff upwards of 6 months salary in arrears. What a mess! Nigeria local government has been turned to local administration. This explains the concern of Members of Nigerian National Assembly to right the wrong of this unacceptable status of local government in the country. According to Nwocha (2012: 1):

The Senate and House of Representatives have respectively set up committee to review the 1999 constitution and David Mark in setting the 47 member Senator Committee has posed a number of questions. He asked how effective are the local government? Should they be made to function independently to the state? Is the Joint State Local Government Account still necessary? The questions on local government effectiveness and state Local government Joint Account has being in the front banner for a long time and it was generally agreed that anything short of granting administrative and financial autonomy to Local Government Councils will not be accepted to Nigerians.

Therefore, to the extent that the state governors continue to dwarf the relevance of local government in Nigeria, to that extent would local government in Nigeria remain local administration. Recently, only 4th April 2016, the Vice President of the Federal republic of Nigeria speaking at a two-day on national workshop on local government development did not mince words when he described local government system in Nigeria as “inefficient, corrupt, undisciplined and mere administrative extension of state governments” (Osibanjo, 2016: 5). The Vice President noted further that the third tier of government had abandoned its primary responsibility of promoting greater efficiency in the provision of services to transform the lives of the people at the grassroots. These weighty statements from no other government official than the Vice President puts paid to the argument on the status of the third tier government. They are at best, local administration characterised by weakness, corruption of all shades, inefficiency and indiscipline even as they are mere appendages of states.

9. The Way Forward for Effective Local Government System in Nigeria

In order to strengthen and consolidate the local government as a system, the following are needful:

9.1. Installation of Effective and Real Democratic Governance at the Local Government Level.

What is existing in most local governments in the federation is a mockery of democratic governance. The people are not given the opportunity to freely choose their leaders. Almost always, especially at the wake of the third republic, political leaders at the grassroots are determined and imposed on the people by the state government. In such situations, the leaders, especially the Chairmen owe their loyalty to the governors and not the people. The implication is that they will be working hard to satisfy the Governors and not the people. The people are treated contemptuously. For the local governments to work well, the people must be given undiluted freedom to choose their leaders through voting. Such arrangements will give the people the impetus to participate, and give weight to their contributions in grassroots governance. It will also help in preventing the observable massive looting of resources by the Chairman.

9.2. Engaging the Stakeholders

Closely related to the above is the effective use of stakeholders at the local government level. Regular meetings should be convened by the Chairmen to enable them interact with different interest in their domain. This provides a strong feedback system to the leadership for effective service delivery, among others.

9.3. Building/Strengthening capacity of Local Government

There is an urgent need to strengthen the capacity of local governments in Nigeria in order to improve their performance level. Some crucial capacities necessary for improving the effectiveness of local government include:

- Capacity to engage stakeholders
- Capacity to collect and analyse data, to plan and budget
- Capacity to mobilize resources and forge partnerships
• Capacity to implement development plans and to monitor and evaluate progress
• Capacity to adapt and self-review
• Leadership capacities.


The ability of local governments to collaborate with non-state actors is a key factor in their effectiveness a structuring programmes that can significantly improve the lives of the local people. Non-state actors are those actors outside the realm of state institutions and the government such as private sector and civil society was organisations (CSOs), Non-Governmental Organizations (NGOs), cooperatives, trade unions, services organizations, community – based organizations, youth and women organisations and social movements.

9.5. Tackling the Financial Problem

In order to solve the financial crisis facing local governments in Nigeria, there is an urgent need for a constitutional amendment to include direct funding of local governments in the country. The provision for Joint State and Local Government Account should be modified due to its abuse by some state governors. In addition, local governments in Nigeria should improve their financial standing through diversification of their internal sources of revenue. As a way of encouraging local governments to increase their internal revenue generation, the state and federal governments should institute financial awards to be given to local governments that excelled in internal revenue generation.

9.6. Eradication of Corruption

The problem of corruption in local governments should be tackled by the appropriate institutions including the Independent Corrupt Practices Commission (ICPC) and Economic and Financial Crimes Commission (EFCC). Cases of corruption should be reported immediately to these agencies for appropriate action. Regrettably, in Nigeria, both the ICPC and EFCC beam their search lights mainly on federal and state officials, ignoring the local government officials who are equally deeply involved in corrupt practices. This situation should change. Henceforth, the anti-corruption agencies should pay serious attention to financial transactions in the local governments. Again, all the internal mechanisms of financial accountability in the local government such as audit alarm, internal and external auditing, et cetera, must be completely enforced (Ezeani, 2012). The uncommon audacity with which the leaders loot the resource belonging to the people must be stopped by punishing offenders appropriately.

9.7. Strengthening the Autonomy of Local Government

One way of making local government system in Nigeria effective is through constitutional amendment that will address the issue of tenure and autonomy of local governments councils. A situation as we have now, where elected government officials have no constitutional protection for their tenure, but left to the vagaries or whims and caprices of state governors and where funds meant for councils are hijacked by the states does not augur well for the survival of a vibrant local government system in Nigeria. The controversy surrounding the position of local government in the 1999 Constitution should without further delay, be resolved through constitutional amendment, otherwise, the autonomy and developmental efforts at the grassroots will be in jeopardy. Any future amendment of the Constitution should also include the takeover of elections into the local council by the National electoral body to stop the electoral fraud and manipulation of the State Electoral Commission by the Governors.

9.8. Finally, a comprehensive Local Government

Reform is overdue. The federal government should immediately embark on a new reform to take care of the numerous challenges that are simply obvious at that level to make the system more effective less costly and development oriented.

10. Conclusion

A critical study of the history of local government in Nigeria revealed that there are problems of governance issues. As earlier discussed, efforts were made to reform the local government system and increase the participation of the rural people. Despite these giant reforms, local government system in Nigeria is still plagued with several constraints. What is being
operated at the grassroots in Nigeria is mere appendage of the state government as local administration. In order to consolidate the gains made in local governance over the years and reposition local government for greater performance, there is the need to reform local governments towards alleviating those problems witnessed in the previous reforms. Since local government constitutes the most critical level of government at which the momentum to sustain national development can be created, there is need for the local government to be reengineered so that they can achieve their major objectives for which they were created.

References